

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 4 and 6-10 were rejected under 35 U.S.C. 112, second paragraph. The claims have been appropriately amended to overcome the rejection. In particular, claim 3 was amended to replace the limitations “programming unit” with the limitations “configuration unit” in order to provide antecedent basis for these limitations in claim 4.

Claims 5-10 were objected to under 37 CFR 1.75(c) as containing improper multiple dependencies. Accordingly, claims 5-10 have been amended to place them in proper dependent form.

Claims 1 and 11-13 were rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,721,783 to Anderson (hereinafter “Anderson”). Claims 1 and 11 have been amended to more clearly distinguish from the cited prior art. For the following reasons, claims 1 and 11-13 are not anticipated by Anderson.

Regarding amended claim 1, Anderson does not disclose “transmitting configuration parameters *through a control channel independent of the signal transmitted through the information channel,*” as required. Similarly, regarding claim 11, Anderson does not teach “the configuration parameters being *transmitted independent of the signal,*” as required. In Anderson, audio signals are wirelessly transmitted (17 or F1) from a microphone (12 or 20) to a remote processor unit (RPU) (16 or 23). The RPU (16 or 23) then enhances the audio signals and wirelessly transmits (17 or F2) them to a speaker (15 or 21). (See, column 5, lines 3-21 and col.

22, line 62 to col. 23, line 13, with reference to Figs. 1 and 2). Anderson also uses the RPU to change hearing aid parameters by wireless transmission of voice commands from the microphone. (See col. 25, lines 15-26; see also col. 5, lines 22-27.) Anderson does not transmit these parameters through a control channel and/or independent of the audio signal, as in claims 1 and 11, since the audio signal itself is used to transmit the voice commands.

Further regarding claim 1, Anderson does not teach “implementing adjustments in the receiver according to the configuration parameters *to enable demodulation* of the signal transmitted through the information channel,” as required. Similarly, regarding claim 11, Anderson does not teach “means for generating and transmitting configuration parameters for *enabling demodulation* of the signal” as required. The voice command signals taught in Anderson used to change hearing aid parameters, as described above, do not *enable demodulating* of the audio signal, as in claims 1 and 11. Rather, the parameters changed by the voice commands are hearing aid settings such as volume.

For all of the above reasons, each and every limitation of claims 1 and 11 are not taught by the cited reference. Thus, amended claims 1 and 11, and dependent claims 12 and 13, are not anticipated by Anderson.

Claims 2-10 were rejected under 35 U.S.C. 103(a) over Anderson in view of U.S. Patent No. 6,463,128 to Elwin (hereinafter “Elwin”). For the following reasons, the rejection has been overcome.

As explained above with regard to claim 1, from which claims 2-10 depend, Anderson does not teach every limitation of the claim. In addition, there is no suggestion in Anderson to modify its teachings to include the absent limitations. In particular, Anderson does not teach changing the modulation parameters used by a transmitter, such that it would be necessary to

transmit the new parameters to a receiving device in order to enable demodulation. Further, there is no teaching or suggestion in Elwin of the limitations of which Anderson is deficient. Thus, even if Anderson and Elwin were combined, each and every limitation of claim 1 would not be taught or suggested by the resulting combination. Therefore, claims 2-10, which depend from claim 1, are patentable over the prior art of record.

Claims 14-17 were rejected under 35 U.S.C. 103(a) over Anderson in view of International Application Publication No. WO/9729550 to Schotz (hereinafter “Schotz”). For the following reasons, the rejection has been overcome.

Regarding claim 14, neither Anderson, Schotz nor any combination thereof, teaches or suggests “transceiving means for *receiving the configuration parameters independent of a signal received by the receiver,*” as required. As explained above with regard to claim 1, Anderson uses an RPU to change hearing aid parameters in response to the wireless transmission of voice commands. Anderson does not transmit these parameters independent of the audio signal, as in claim 14, since the audio signal itself is used to transmit the voice commands. For these same reasons explained above with regard to claim 2-10, there is no suggestion in Anderson to modify its teachings to include independent reception of configuration parameters as required by claim 14. Likewise, there is no teaching or suggestion in of the limitations of which Anderson is deficient.

Further regarding claim 14, neither Anderson, Schotz nor any combination thereof, teaches or suggests “*a demodulator to generate demodulated signals based on configuration parameters,*” as required. For the same reasons as explained above with regard to claim 1, the hearing aid parameters taught in Anderson are *not* used as a basis for *generating a demodulated signal* from the audio signal, as in claim 14. Rather, these parameters affect hearing aid settings

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such as volume.

For all of the above reasons, even if Anderson and Schotz were combined, each and every limitation of claim 14 would not be taught or suggested by the resulting combination. Therefore, claim 14 and its dependent claims 14-17 are patentable over the prior art of record.

Further, new claims 18-20 have been added which depend from claim 1. They are patentable for at least the reasons described above with regard to claim 1.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32978.

Respectfully submitted,

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